

RECEIVED

OCT 27 2004

BINGHAM McCUTCHEN

Facsimile

DATE: October 27, 2004

Bingham McCutchen LLP
1900 University Avenue
East Palo Alto, CA
94303-2223

650.849.4400

650.849.4800 fax

bingham.com

Boston
Hartford
London
Los Angeles
New York
Orange County
San Francisco
Silicon Valley
Tokyo
Walnut Creek
Washington

	NAME	FAX	PHONE
TO:	Attn: Mail Stop AF USPTO	(703)872-9307	(703) 872-9305

FROM:	Antoinette F. Konski antoinette.konski@bingham.com	(650) 849-4800	(650) 849-4950
-------	---	----------------	----------------

PAGES: (INCLUDING THIS COVER PAGE): 18

RE: U.S. Patent Application Serial No. 09/847,525

MESSAGE:

This fax includes the following:

Transmittal Form (1 pg);
Fee Transmittal in duplicate for fee processing (2 pgs);
Petition for One Month Extension of Time (1 pg) and
Supplementary Amendment and Response to Final Office Action (13 pgs)

For transmission problems, please call (650) 849-4825

The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. If you are neither the intended recipient(s) nor a person responsible for the delivery of this transmittal to the intended recipient(s), you are hereby notified that any unauthorized reading, distribution, copying or disclosure of this transmittal is prohibited. If you have received this transmittal in error, please notify us immediately at (same telephone number as in first paragraph - will duplicate) and return the transmittal to the sender. Thank you.

Timekeeper No:	27491	Client/Matter No:	2335557491	DATE/TIME STAMP
Client/Matter Name:				
Return To:	Peggy Nichols	Floor No:		

PA/52144822.1

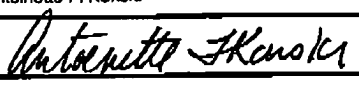
PTO/SB/21 (09-03)

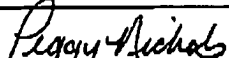
Approved for use through 07/31/2006. OMB 0551-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/847,525	
	Filing Date	May 1, 2001	
	First Named Inventor	Ming Fai Chan	
	Art Unit	1624	
	Examiner Name	Berch, Mark L.	
Total Number of Pages in This Submission	17	Attorney Docket Number	NB 2016.00

ENCLOSURES (check all that apply)				
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):		
<table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">Remarks</td> <td></td> </tr> </table>			Remarks	
Remarks				
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT				
Firm or Individual name	Bingham McCutchen LLP Antoinette P. Konski			
Signature				
Date	October 27, 2004			

CERTIFICATE OF TRANSMISSION			
I hereby certify that this correspondence is being transmitted via facsimile number (703) 872-9307 to the attention of Mail Stop AF, Commissioner for Patents, on the date shown below.			
Typed or printed name	Peggy Nichols		
Signature		Date	October 27, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

OCT 27 2004
PATENT
Docket No. NB 2016.00

Certificate of Transmission

I hereby certify that this correspondence is being transmitted via facsimile to the attention of Mail Stop AF, Commissioner for Patents, fax number (703) 872-9307 on October 27, 2004

Name of Person Certifying:

Peggy Nichols
Printed Name: Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ming Fai Chan, et al.

Serial No.: 09/847,525

Filed: May 1, 2001

For: BETA-LACTAM ANTIBIOTICS

Group Art Unit: 1624

Examiner: Berch, Mark L.

SUPPLEMENTARY AMENDMENT
AND RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
P.O. BOX 1450
Mail Stop: After Final
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in response to the Final Office Action issued by the U.S. Patent and Trademark Office on June 28, 2004, and the Advisory Action issued on October 20, 2004, each in connection with the above-identified application.

A response to the June 28, 2004 Final Office Action was due September 28, 2004. A reply was filed on that date. However, the Advisory Action issued October 20, 2004 indicated that this reply did not place the application in condition for allowance and that the amendments to the claims would not be entered.

Applicants submit herewith a Supplemental Amendment and Response to the Final Office Action and Advisory Action. Applicants' Supplemental Amendment has been made in a sincere effort to address the Office's concerns and place the claims in condition for allowance.

Enclosed with this Reply is a Petition for a One Month Extension of Time and authorization to charge the amount of the extension fee to the undersigned's Deposit Account. In view of the filing of this Petition and payment of the fee, this Supplemental Amendment is timely filed.

The Amendments begin on page 3 of this Reply.

The Remarks begin on page 10 of this Reply.